

RUP/SLR:dm 11/02/04 7013-67324-01 323914

PATENT

NOV 08 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Santosh Misra and William W. Kay

Application No. 10/719,623

Filed: November 20, 2003

Confirmation No. 3643

For: TRANSGENIC PLANTS THAT ARE
RESISTANT TO A BROAD SPECTRUM
OF PATHOGENS

Examiner: David H. Kruse

Art Unit: 1638

Attorney Reference No. 7013-67324-01

CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney
for Applicant(s)

Date Mailed November 3, 2004

INFORMATION DISCLOSURE STATEMENT
PURSUANT TO 37 C.F.R. § 1.97(b)(3)

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Listed on the accompanying form PTO-1449 and enclosed herewith are several English-language documents. Applicants respectfully request that these documents be listed as references cited on the issued patent.

Applicants filed this Information Disclosure Statement (“IDS”) before the mailing date of a first Office action on the merits. As a result, no fee should be required to file this IDS. However, if the Patent Office determines that a fee is required for Applicants to file this IDS, please charge any such fees, or credit overpayment, to Deposit Account No. 02-4550. A **duplicate** copy of this Information Disclosure Statement is enclosed.

The filing of this IDS shall not be construed to be an admission that the information cited in the statement is, or is considered to be, prior art or otherwise material to patentability as defined in 37 C.F.R. §1.56.

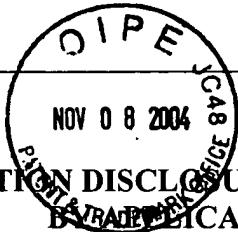
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**INFORMATION DISCLOSURE STATEMENT
BY EXAMINER**

Attorney Docket Number	7013-67324-01
Application Number	10/719,623
Filing Date	November 20, 2003
First Named Inventor	Misra
Art Unit	1638
Examiner Name	David H. Kruse

U.S. PATENT DOCUMENTS

NOTE: If this application was filed after June 30, 2003, copies of United States patents and United States published patent applications do not have to be provided to the Patent Office. This requirement of 37 C.F.R. § 1.98(a)(2)(i) has been waived by the United States Patent and Trademark Office pursuant to the Official Gazette Notice on August 5, 2003 (1276 OG 55).

Examiner's Initials*	Cite No. (optional)	Number	Publication Date	Name of Applicant or Patentee
		6,025,326	2/15/2000	Steinberg et al.

FOREIGN PATENT DOCUMENTS

Examiner's Initials*	Cite No. (optional)	Country	Number	Publication Date	Name of Applicant or Patentee

Examiner's Initials*	Cite No. (optional)	OTHER DOCUMENTS
		Hightower et al., "The Expression of Cecropin Peptide in Transgenic Tobacco Does Not Confer Resistance to <i>Pseudomonas syringae</i> pv <i>tabaci</i> ," <i>Plant Cell Rep.</i> 13:295-299 (1994).
		Pang et al., "Expression of a Gene Encoding a Scorpion Insectotoxin Peptide in Yeast, Bacteria and Plants," <i>Gene</i> 116:165-172 (1992).

EXAMINER SIGNATURE:	DATE CONSIDERED:
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* Examiner: Initial if reference considered, whether or not in conformance with MPEP 609. Draw line through cite if not in conformance and not considered. Include copy of this form with next communication to applicant.